



NMFS Announces a Final Rule to Modify Vessel Monitoring System (VMS) Requirements in Atlantic Highly Migratory Species (HMS) Fisheries

November 14, 2013

The National Marine Fisheries Service (NMFS) is implementing a final rule to modify the declaration requirements for vessel owners and/or operators required to use VMS units in Atlantic HMS fisheries.

Who does this rule apply to: This final rule applies to all vessels with Atlantic HMS permits that are required to use VMS, including vessels with pelagic longline gear on board, vessels with a directed shark limited access permit (LAP) and bottom longline gear on board in the vicinity of the mid-Atlantic closed area (between 33° N and 36° 30' N) from January 1 to July 31, and vessels with a directed shark limited access permit with gillnet gear on board between November 15 and April 15.

What does the rule require:

As of November 14, 2013, this rule:

- Provides vessel owners or operators the option to “declare out of the fishery” when they are not fishing for or retaining HMS for a period encompassing two or more trips (declaring out of the fishery would only exempt the vessel operators from the HMS hail in/hail out VMS requirements; it would not exempt the vessels from any other applicable HMS requirements);

As of December 16, 2013, this rule:

- Requires that vessel operators provide hourly position reports via their VMS units 24 hours a day, 7 days a week during those times of the year that VMS reporting is required, unless they are granted a documented "power down" exemption by NOAA Office of Law Enforcement;
- Allows vessel operators to “hail out” when leaving port (versus 2 hours ahead of time); and
- Requires vessel operators to “hail in” at least 3 hours, but no more than 12 hours, before returning to port.

These changes will reduce the reporting burden on vessel operators while continuing to provide NOAA Office of Law Enforcement needed information on the target fishery and gear possessed in order to facilitate enforcement of closed areas and other HMS regulations. They will also bring HMS fisheries regulations in line with VMS regulations placed on other fisheries.

For more information about NMFS VMS program, please contact:

NMFS Southeast Office of Law Enforcement
VMS Program – Southeast Division
263 13th Avenue South, Suite 109
St. Petersburg, FK 33701
800-758-4833 (tel)
727-824-5318 (fax)

NMFS Office of Law Enforcement – HQ
National VMS Program Manager
1315 East-West Highway
Suite 3301
Silver Spring, MD 20910
301-427-2300 (tel)
301-427-2055 (fax)

This notice is a courtesy to the HMS fishery participants to help keep them informed about the fishery. Official notice of Federal actions is made through filing such notice with the Office of Federal Register. For further information on this final rule, the Final Regulatory Flexibility Analysis (FRFA)/Regulatory Impact Review (RIR), and the Small Entity Compliance Guide, contact Cliff Hutt or Karyl Brewster-Geisz at (301) 427-8503. Copies of the final rule and FRFA/RIR are available upon request from the Highly Migratory Species Management Division, 1315 East-West Highway, Silver Spring, MD 20910 (phone: 301-427-8503, fax: 301-713-1917). The information will also be posted on the HMS website at: <http://www.nmfs.noaa.gov/sfa/hms/>.

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